IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

WP(C).No. 34977 of 2007(L)

PETITIONER:

K.RAVEENDRAN,
(MECHANIC, KSRTC, CENTRAL WORKS,
PAPPANAMCODE, RTD.ON 31.8.2007),
KAVUVILA VEEDU, HOME No.53,
PUNNAMOODU, KALLIYOOR, THIRUVANANTHAPURAM.

BY ADV. SRI.K.P.RAJEEVAN

RESPONDENTS:

1. **KERALA STATE ROAD TRANSPORT CORPORATION, REPRESENTED BY ITS MANAGING DIRECTOR, TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM.**

2. **MECHANICAL ENGINEER (WORKS), KSRTC, CENTRAL WORKS, PAPPANAMCODE, THIRUVANANTHAPURAM.**

3. **STATE BANK OF TRAVANCORE REPRESENTED BY ITS AUTHORISED OFFICER AND CHIEF MANAGER, REGION-II, SANTHI NAGAR, THIRUVANANTHAPURAM.**

BY SRI.JOHNSON P. JOHN, SC- KSRTC.
ADV. SRI.R.S.KALKURA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN,J

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W.P.(C).No.34977 of 2007

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Dated this the 3rd day of December, 2007

JUDGMENT

The petitioner is a retired employee of the Kerala State Road Transport Corporation. He has approached this Court with this writ petition, seeking out of turn payment of his retirement benefits, for the purpose of paying of the amounts demanded by the 3rd respondent as repayment of loan amounts taken by the petitioner, for which proceedings under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, have been initiated against the petitioner. The learned counsel for the KSRTC opposes the same. According to him, in view of the Division Bench decision directing payment of retirement benefits only in the order of priority of retirement, they cannot pay the amounts due to the petitioner out of turn. Taking into account the fact that the petitioner's property is proceeded against by Ext.P2, it is only just and equitable that some amounts out of the retirement benefits due to the petitioner be released to the petitioner so as to avoid further proceedings against the properties belonging to the petitioner.

2. In the above circumstances, I direct the respondent 1 and 2 to pay an amount of Rs.1.5 lakhs to the 3rd respondent out of the retirement benefits due to the petitioner out of turn directly to the 3rd respondent in the loan account of the petitioner. The balance retirement benefits shall be paid to the petitioner in the order of priority as per the Division Bench decision. The amount shall be paid within two weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of accordingly.

S.SIRI JAGAN, JUDGE

dvs